IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 38717 of 2003(H)

PETITIONER:

P.E.GOPALAN,
BLOCK DEVELOPMENT OFFICER (RETIRED),
PADINJATTA ILLATH HOUSE, P.O. ARUR,
VIA. KAKKATTIL, VATAKARA, KOZHIKODE-673 507.

BY ADV. SRI.P.J.MATHEW,
SRI.THOMAS JOHN AMBOOKEN.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DISTRICT COLLECTOR AND**
   DISTRICT ELECTION OFFICER, KANNUR.

3. **THE STATE ELECTION COMMISSION,**
   VIKAS BHAVAN, THIRUVANANTHAPURAM.

4. **THE ACCOUNTANT GENERAL KERALA (A & E),**
   THIRUVANANTHAPURAM.

5. **THE ELECTION DEPUTY COLLECTOR,**
   COLLECTORATE, KANNUR.

BY ADV. SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMMN,
GOVERNMENT PLEADER SRI. K.V. MANOJ KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007,ALONG WITH W.P.(C). NOS. 37400/2004, 8374/2004 & 7504/2004, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.38717/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE JUDGMENT IN O.P. NO. 8122/2003 (P) DTD. 10/03/2003.

EXT.P.2: COPY OF THE PROCEEDINGS NO. P4-36447/00 DTD. 17/06/2003.

EXT.P.3: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEORE THE ELECTION DEPUTY COLLECTOR DTD. 30/06/2003.

EXT.P.4: COPY OF THE PROCEEDINGS NO. P4-36447/2000 DTD. 09/07/2003.

EXT.P.5: COPY OF THE LETTER NO. 10765/I & D5/2002/CRD OF THE COMMISSIONER DTD. 13/02/2003.

EXT.P.6: COPY OF THE LETTER OF THE R.4. NO. GE 21/D/RDD/3940 DTD. 05/09/2003 TO THE DISTRICT COLLECTOR, KANNUR.

EXT.P.7: COPY OF THE NOTICE DTD. 04/11/2003.

EXT.P.8: COPY OF THE DETAILED REPRESENTATION SUBMITTED BY THE PETITIONER TO THE DISTRICT COLLECTOR DTD. 18/12/2002.

EXT.P.9: COPY OF THE LETTER NO. 3647/2000/P DTD. 27/09/2003.

EXT.P.10: COPY OF THE LETTER OF THE PETITIONER TO THE STATE ELECTION COMMISSION DTD. 01/12/2003.

RESPONDENT'S EXHIBIT & ANNEXURE:

EXT.R2.A: COPY OF THE GO. (MS) NO. 197/2003/RD DTD. 24/06/2004.

ANNEXURE -A: COPY OF THE LETTER NO. P4 36447/00 DTD. 16/09/2006 ISSUED TO THE R.3. BY THE R2.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) Nos.38717/03, 7504, 8374 & 37400 of 2004

Dated 4th July, 2007.

J U D G M E N T

Petitioners are aggrieved by the proceedings for recovery of certain amounts said to have been spent by them unauthorisedly in connection with the election to the local bodies. According to the petitioners, in view of the peculiar facts and circumstances prevailing in the places where they were posted for election duty, on the basis of the directions issued by the District Collectors concerned, the amounts had to be spent for the smooth conduct of elections, lest they should have faced disciplinary action. Their grievances have not been considered by an independent authority with notice to them, it is submitted. It is further submitted that for all the expenditure they made, satisfactory explanation along with supporting vouchers have also been given, but unfortunately the same have not been properly appreciated by the District Collectors. Be that as it may, in view of the submission that there may be an opportunity before an independent authority, the writ petitions are disposed of as follows :-

There will be a direction to the Kerala State Election

Commission to look into the grievance of the petitioners that they have spent the disputed amounts only on the direction issued by the District Collectors, for the smooth conduct of the election, taking note of the peculiar circumstances prevailed in the respective places, with notice to them and if necessary with notice to the District Collectors at the relevant time also, and pass appropriate orders in accordance with law, within a period of four months from the date of receipt of a copy of the judgment. In order to enable the Kerala State Election Commission to pass orders as above, petitioners are directed to file a comprehensive representation before the Commission within one month from from today. Till orders are passed as above, interim orders passed by this Court will continue.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 4th July, 2007.